

**IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI  
AT KANSAS CITY**

**JOHNNA RICHERT  
P.O. BOX 134  
INDEPENDENCE, MO. 64051  
Plaintiff**

**v.**

**Division** \_\_\_\_\_

**Case No.** \_\_\_\_\_

**JASON RILEY a/k/a VANDERHOFF  
(A Missouri Resident-  
Hold for Special Process Server)**

**And**

**JIM ROBERSON A/K/A ROBINSON  
(A Missouri Resident  
Hold for Special Process Server)**

**K-MART CORPORATION  
A foreign corporation  
(Serve: CT Corporation System, Inc.  
120 So. Central Ave.  
Clayton, Mo. 64108)  
Defendants**

**PETITION FOR DAMAGES**

**(Allegations Common to All Counts)**

Comes now plaintiff, and makes the following allegations of fact common to all  
Counts herein:

1. At all times relevant hereto, plaintiff Johnna Richert is and was a resident of  
Jackson County, Missouri.

2. Defendant K Mart Corporation (K Mart) is a foreign Corporation doing business in Missouri, and at the time of the incident described herein was doing business at a K Mart retail store located at 4023 S. Noland Road in Independence, Jackson County, Missouri, where the incident to be set forth herein occurred. Since the tortious conduct herein alleged on the part of defendants occurred in Jackson County, Missouri, venue in this matter is proper in Jackson County, Missouri.

3. At all times relevant hereto, defendant Jason Riley a/k/a Vanderhoff was and is a Missouri resident, and was an employee and agent of K Mart Corp. acting in the course and scope of his agency and employment with defendant K Mart. On information and belief, defendant K Mart knows the correct name of this defendant, since defendant K Mart is in possession of a video- tape of the incident described herein (viewed by plaintiff's counsel) wherein this defendant suddenly and abruptly turned without looking and struck plaintiff who was walking in the entry way of the K Mart store. As a matter of law, any and all negligent actions of defendant Riley a/k/a Vanderhoff and of Jim Roberson are attributable as a matter of law to their employer defendant K Mart Corp.

4. At all times relevant hereto defendant Jim Roberson a/k/a Robinson was the manager and/or supervisor of defendant Jason Riley a/k/a Vanderhoff, and was and is a Missouri resident, acting in the course and scope of his agency and employment with defendant K Mart Corp.

5. On or about November 29<sup>th</sup>, 2013, in the early evening hours, plaintiff Johnna Richert entered the K Mart store at 4023 S. Noland Rd. in Independence, Jackson County, Missouri, in order to shop at the store.

6. As plaintiff was entering the store in a normal fashion, defendant Riley a/k/a Vanderhoff, who had just appeared to discard something in a trash bin in the entry way, turned abruptly and suddenly, and in anger and frustration, and without warning, and without looking first, into the path of plaintiff Richert, striking plaintiff's body and causing plaintiff to be thrown violently to the floor of the store, her face striking a metal sign causing plaintiff severe and permanent injuries, which will be set forth herein.

### **COUNT I**

(Negligence- Defendants Riley a//k/a Vanderhoff and K Mart Corp.)

For Count I of this petition for damages, plaintiff alleges and states as follows:

7. Plaintiff incorporates by reference, as though fully set forth herein, each and every statement and averment in the Allegations Common to All Counts, set forth above, as though fully set forth herein.

8. Defendant Riley a/k/a Vanderhoff was negligent in the following particulars:

- a. In failing to keep a careful lookout;
- b. In failing to warn plaintiff;
- c. In failing to insure that patrons such as plaintiff were not in the area where he was making sudden and abrupt movements without looking;

d. In failing to use ordinary care with respect to his movements and actions in the store;

e. From the facts of such collision with plaintiff, and the reasonable inferences therefrom, such collision/occurrence was directly caused by defendant's negligence;

Furthermore, the actions of defendant Riley a/k/a Vanderhoff, as aforesaid, showed complete indifference to or conscious disregard for the safety of others, thereby justifying an award of punitive damages, in an amount that will serve to punish defendants and to deter defendants and others from like conduct.

8. As a direct and proximate result of the negligence of defendant Riley a/k/a Vanderhoff, plaintiff sustained the following injuries and damages:

a. She sustained permanent injury and damage to her right arm, wrist hand and shoulder, including permanent injury to the muscles, nerves, ligaments, tendons and other soft tissues of her right arm, hand, fingers and shoulder, resulting in pain, disability and loss of function;

b. She sustained closed head injury to her head, contusions on and about her face and head, and other parts of her body, and concussion and other closed head injuries;

c. She sustained injury to her neck, right arm, right hand and wrist, right shoulder and knees and legs, resulting in neurological deficit causing loss of function in daily activities , pain and other injury.

d. She sustained and will in the future sustain reasonable and necessary expenses for medical bills, prescription medicine, MRI and other diagnostic tests, doctor and

hospital expenses, physical therapy, the exact amount of which is unknown at this time, all of which will continue into the future;

e. She sustained a loss of income, which will continue into the future, and her earning capacity has been permanently impaired;

f. She sustained a loss of her enjoyment of life.

g. All of the foregoing damages are permanent and progressive;

**WHEREFORE**, plaintiff Johnna Richert prays for actual damages against defendants, and each of them, jointly and severally, in an amount that is fair and reasonable, punitive damages in an amount that is fair and reasonable, statutory interest, her costs, and for other and such further relief as the Court deems just and proper.

## **COUNT II**

(Negligent Training, Supervision,  
Defendants K-Mart Corp. and Roberson a/k/a Robinson only)

Comes now plaintiff, and for Count II of her petition for damages against defendants, and alleges and states as follows:

9. Plaintiff incorporates by reference, as though fully set forth herein, each and every statement of fact, averment and allegation of Counts I and The Allegations Common to All Counts, as thought fully set forth herein.

10. Defendant Riley a/k/a Vanderhoff was known by defendant Roberson to be a 'hot-tempered' and 'reckless' employee, who had prior incidents in his employment relating to his failing to use reasonable care in his job duties caused by defendant Riley's reckless, hot-tempered and dangerous actions in the store, including his abrupt and

reckless physical movements, and in failing to use reasonable care to avoid violating the personal space of customers, and from bursts of anger against customers, such as plaintiff herein.

11. Defendant Roberson a/k/a Robinson despite being aware of the reputation, history and work record of defendant Riley a/k/a Vanderhoff, and despite being aware of the danger he presented to customers such as plaintiff herein, failed, in his employment duty as store manager, to use reasonable care to adequately train, supervise, discipline and/or terminate from employment defendant Riley, directly and proximately resulting in damage and injury to plaintiff, as aforesaid.

9. The actions of defendant Roberson a/k/a Robinson as aforesaid, showed complete indifference to or conscious disregard for the safety of others, such as plaintiff herein, justifying an award of punitive damages in sufficient amount to punish defendants and to deter defendants and others like them from such conduct.

**WHEREFORE**, plaintiff prays for damages against defendants Roberson a/k/a Robinson and K Mart Corp.,, and each of them, jointly and severally, in an amount that is fair and reasonable, for punitive damages in an amount that is fair and reasonable, statutory interests, her costs herein, and for such other and further relief as the Court deems just and proper.

Respectfully Submitted,

s/James D. Walker, Jr. #29778  
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